

IN RE: PETITION FOR RESIDENTIAL ZONING VARIANCE
W/S Marglenn Ave., SMC of Marglenn and Springwood Avenue
6122 Marglenn Avenue
14th Election District
6th Councilmanic District

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 92-159-A

Mark W. Ferenc, et ux
Petitioners

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request relief from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) which requires that an accessory structure (pool) be located only in the third of the lot farthest removed from any street. In lieu thereof, the Petitioners seek approval to locate the proposed accessory structure where indicated on Petitioners' Exhibit No. 1, the plat to accompany the Petition for Zoning Variance.

The Petitioners having filed a Petition for Residential Variance and the subject property having been posted and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioners have filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Zoning Commissioner, the information, photographs, and affidavits submitted provide sufficient facts that comply with the requirements of

Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 25th day of Nov, 1991 that the Petition for a Zoning Variance from Section 400.1 of the B.C.Z.R. to allow an accessory structure (pool) be located only in the third of the lot farthest removed from any street, in accordance with Petitioners' Exhibit No. 1, be and is hereby GRANTED, subject, however, to the following restriction which are conditions precedent to the relief granted herein:

1. The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES/mmm

-2-

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

111 West Chesapeake Avenue
Towson, MD 21204

887 4354

November 22, 1991

Mr. and Mrs. Mark W. Ferenc
6122 Marglenn Avenue
Baltimore, Maryland 21206

RE: Petition for Residential Zoning Variance
Case No. 92-159-A

Dear Mr. and Mrs. Ferenc:

Enclosed please find the decision rendered in the above captioned case. The Petition for Residential Variance has been granted, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

Very truly yours,

LAWRENCE E. SCHMIDT
Zoning Commissioner

LES:mmm
encl.
cc: Peoples Counsel

PETITION FOR RESIDENTIAL VARIANCE

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, petition for a Variance from Section 400.1 of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reason (indicate hardship or practical difficulty):
TO ALLOW A POOL TO BE LOCATED INTO THE THIRD OF THE YARD CLOSEST TO THE STREET SHOWN IN L&P
OF THE THREE FARTEST FROM THAT STREET
COST OF RELOCATING OVERHEAD ELECTRIC (POWER) LINES IS PROHIBITIVE - SHED IN AREA WOULD BE COSTLY TO MOVE IF IT WERE POSSIBLE
SIDE SLOPE (4' DEEP) POOL WOULD BE NEAR TO HOUSE
WOULD BE NEAR TO SIDE PORCH AND DRIVE W/IN THE DRIVE
PROPERTY IS TO BE ADVERTISED AND/OR POSTED AS PRESCRIBED BY ZONING REGULATIONS.

I, or we, agree to pay expenses of the above Variance posting and, if necessary, advertising, upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this petition.

Contract Purchaser:

(Type or Print Name)

Signature

Address

City/State/Zip Code

Attorney for Petitioner:

(Type or Print Name)

Signature

Address

Attorney's telephone number

Legal Owner(s):

(Type or Print Name)

Signature

(Type or Print Name)

Signature

Address

City/State/Zip Code

Name

Address

I, OR WE, agree to pay expenses of the above Variance posting and, if necessary, advertising, upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

ZONING COMMISSIONER OF BALTIMORE COUNTY

A PUBLIC HEARING HAVING BEEN REQUESTED AND/OR FOUND TO BE REQUIRED, IT IS FURTHER ORDERED by the Zoning Commissioner of Baltimore County, this ____ day of ____, 19__, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that the property be reposted, and that the public hearing be held before the Zoning Commissioner of Baltimore County in Room 100, County Office Building in Towson, Baltimore County.



ZONING COMMISSIONER OF BALTIMORE COUNTY

REVIEWED BY: LES DATE: 11/24/91

AFFIDAVIT

IN SUPPORT OF RESIDENTIAL ZONING VARIANCE

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:

That the information herein given is within the personal knowledge of the Affiant(s) and Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does/do presently reside at 6122 MARGLENN AVE
BALTIMORE MD - 21206
(Address)

That based upon personal knowledge, the following are the facts upon which I/we base the request for a Residential Zoning Variance at the above address: (indicate hardship or practical difficulty)
COST OF RELOCATING OVERHEAD ELECTRIC POWER LINES
IS PROHIBITIVE - SHED IS IN AREA & WOULD BE
COSTLY TO MOVE IF IT WERE POSSIBLE

That Affiant(s) acknowledge(s) that if protest is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information.

Mark W. Ferenc
AFFIANT (Handwritten Signature)
Mark W. Ferenc
AFFIANT (Printed Name)

Dawn M. Ferenc
AFFIANT (Handwritten Signature)
Dawn M. Ferenc
AFFIANT (Printed Name)

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 4 day of Oct, 1991, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared MARK & DAWN FERENC

the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her/their knowledge and belief.

AS WITNESS my hand and Notarial Seal.

Oct 4, 1991
DATE

Mark W. Ferenc
NOTARY PUBLIC

My Commission Expires: Nov 1, 1994

ZONING DESCRIPTION

Lot 27, in the subdivision of Belmar as recorded in Baltimore County Plat Book #16, Folio 60, containing 6330 sf namely 0.145 acres. Also known as 6122 Marglenn Ave. And located in the 14th Election District.

CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 14th Date of Posting: 11/22/91
Posted for: 92-159-A
Petitioner: Mark W. Ferenc
Location of property: 6122 Marglenn Ave, Towson, MD 21206
Location of Sign: On property at 6122 Marglenn Ave
Remarks: See map of property
Posted by: LES Date of return: 11/24/91
Number of Signs: 1

Baltimore County
Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

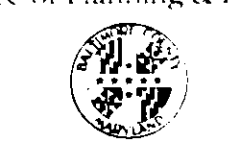
Account: R-001-4150
Number

Date

receipt

CHARGE#00050412HRC \$60.00
RA 00134-00110-07-91
Please Make Checks Payable To: Baltimore County

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning



October 16, 1991

111 West Chesapeake Avenue
Towson, MD 21204

Mark and Dawn Ferenc
6122 Marglenn Avenue
Baltimore, MD 21206

Re: CASE NUMBER: 92-159-A

LOCATION: W/S Marglenn Avenue, SMC of Marglenn & Springwood Avenues
6122 Marglenn Avenue
14th Election District - 6th Councilmanic

Dear Petitioner(s):

Please be advised that your Petition for Administrative Zoning Variance has been assigned the above case number. Any contact made with this office should reference the case number. This letter also serves as a rebuttal regarding the administrative process.

1) Your property will be posted on or before October 27, 1991. The closing date is November 12, 1991. The closing date is the deadline for a neighbor to file a formal request for a public hearing. After the closing date, the file will be reviewed by the Zoning or Deputy Zoning Commissioner. At that time, an Order will issue. This Order may (a) grant the requested relief, (b) deny the requested relief, or (c) demand that the matter be set in for a public hearing. You will receive written notification as to whether or not your petition has been granted, denied, or will go to public hearing.

2) In cases requiring public hearing (whether due to a neighbor's formal request or by Order of the Commissioner), the property will be reposted and notice of the hearing will appear in two local newspapers. Charges related to the reposting and advertising are payable by the petitioner(s).

3) Please be advised that you must return the sign and post to this office. They may be returned after the closing date. Failure to return the sign and post will result in a \$50.00 charge.

PLEASE UNDERSTAND THAT ON THE DATE AFTER THE POSTING PERIOD, THE PROCESS IS NOT COMPLETE. THE FILE MUST GO THROUGH FINAL REVIEW AND THE DECISION MAKING PROCESS. WHEN THE ORDER IS READY IT WILL BE FORWARDED TO YOU VIA FIRST CLASS MAIL. ORDERS ARE NOT AVAILABLE FOR DISTRIBUTION PRIOR TO BEING MAILED TO YOU.

Lawrence E. Schmidt
Zoning Commissioner, Baltimore County

7 Sec
replied
noted as subject
to 400.1
LES

Plat to accompany Petition for Zoning ☒ Variance ☐ Special Hearing

PROPERTY ADDRESS: 6122 MARGLENN AVE.

Subdivision name: RELMAR

plat book 16, folios 62, 63, 64, sections 1

OWNER: MACK LU & DAUN M. FERENC

date: 8-30-71

prepared by: D. J. T.

Scale of Drawing: 1" = 50'

Petitioner's No. 1

92-159-A

see pages 5 & 6 of the CHECKLIST for additional required information

Vicinity Map
scale: 1"=1000'

LOCATION INFORMATION

Councilmanic District: 6

Election District: 17

1"=200' scale map: NE SE

Zoning: DR-5.5

Lot size: 0.145 6330
acres square feet

SEWER: ☒ ☐

WATER: ☒ ☐

Chesapeake Bay Critical Area: ☐ ☐

Prior Zoning Hearings: NONE

Zoning Office USE ONLY!

reviewed by: JIT ITEM #: 169 CASE#:

